

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:17-cv-01941-GW-E**

Grant McKee v. Audible, Inc et al
Assigned to: Judge George H. Wu
Referred to: Magistrate Judge Charles F. Eick
Related Case: 2:17-cv-08868-GW-E
Case in other court: 9th CCA, 18-55595
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 03/10/2017
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Grant McKee
*Individually and on behalf of all others
similarly situated*

represented by **Jamin Samuel Soderstrom**
Soderstrom Law PC
3 Park Plaza Suite 100
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949-667-4700
Email: jamin@soderstromlawfirm.com
ATTORNEY TO BE NOTICED

Plaintiff

Seth Beals
*Individually and on behalf of all others
similarly situated*
TERMINATED: 12/15/2017

represented by **Jamin Samuel Soderstrom**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Taylor Fisse
*individually and on behalf of all others
similarly situated*

represented by **Jamin Samuel Soderstrom**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Bryan Rees
*individually and on behalf of all others
similarly situated*

represented by **Jamin Samuel Soderstrom**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Eric Weber
*individually and on behalf of all others
similarly situated*

represented by **Jamin Samuel Soderstrom**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Michael Rogawski
*individually and on behalf of all others
similarly situated*

represented by **Jamin Samuel Soderstrom**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Audible, Inc

represented by **Jedediah Wakefield**
Fenwick and West LLP
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415-875-2300
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Email: mbecker@fenwick.com
ATTORNEY TO BE NOTICED

Defendant

Amazon.Com Inc
TERMINATED: 08/11/2017

represented by **Jedediah Wakefield**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Annasara G Purcell
(See above for address)
ATTORNEY TO BE NOTICED

Armen Nercess Nercessian
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/10/2017	<u>1</u>	COMPLAINT Receipt No: 0973-19497750 – Fee: \$400, filed by plaintiff Grant McKee. (Attachments: # <u>1</u> Exhibit CLRA Demand Letter, # <u>2</u> Affidavit Venue Affidavit of Grant McKee) (Attorney Jamin Samuel Soderstrom added to party Grant McKee(pty:pla))(Soderstrom, Jamin) (Entered: 03/10/2017)
03/10/2017	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff Grant McKee. (Soderstrom, Jamin) (Entered: 03/10/2017)
03/10/2017	<u>3</u>	NOTICE of Interested Parties filed by Plaintiff Grant McKee, identifying individually and on behalf of all others similarly situated. (Soderstrom, Jamin) (Entered: 03/10/2017)
03/10/2017	<u>4</u>	Request for Clerk to Issue Summons on Civil Cover Sheet (CV-71) <u>2</u> , Certificate/Notice of Interested Parties <u>3</u> , Complaint (Attorney Civil Case Opening), <u>1</u> filed by plaintiff Grant McKee. (Soderstrom, Jamin) (Entered: 03/10/2017)
03/10/2017	<u>5</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> filed by plaintiff Grant McKee. (Soderstrom, Jamin) (Entered: 03/10/2017)
03/13/2017	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge Fernando M. Olguin and Magistrate Judge Charles F. Eick. (jtil) (Entered: 03/13/2017)
03/13/2017	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (jtil) (Entered: 03/13/2017)
03/13/2017	<u>8</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), <u>1</u> as to Defendant Amazon.Com Inc. (jtil) (Entered: 03/13/2017)
03/13/2017	<u>9</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), <u>1</u> as to Defendant Audible, Inc. (jtil) (Entered: 03/13/2017)
03/16/2017	<u>10</u>	PROOF OF SERVICE Executed by Plaintiff Grant McKee, upon Defendant Amazon.Com Inc served on 3/15/2017, answer due 4/5/2017. Service of the Summons and Complaint were executed upon CSC-Becky DeGeorge – Person Authorized to Accept Service of Process in compliance with Federal Rules of Civil Procedure by personal service.Original Summons NOT returned. (Soderstrom, Jamin) (Entered: 03/16/2017)
03/16/2017	<u>11</u>	PROOF OF SERVICE Executed by Plaintiff Grant McKee, upon Defendant Audible, Inc served on 3/15/2017, answer due 4/5/2017. Service of the Summons and Complaint were executed upon CSC-Becky DeGeorge – Person Authorized to Accept Service of Process in compliance with Federal Rules of Civil Procedure by personal service.Original Summons NOT returned. (Soderstrom, Jamin) (Entered: 03/16/2017)
03/16/2017	<u>12</u>	TEXT ONLY ENTRY by Chambers of Judge Fernando M. Olguin. All pleadings filed in this matter should contain the case number and the assigned judges' initials to ensure proper routing of documents. The Court refers counsel to the Court's Initial Standing Order found on the Court's Website under Judge Olguin's Procedures and Schedules. Please read this Order carefully.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vdr) TEXT ONLY ENTRY (Entered: 03/16/2017)
03/23/2017	<u>13</u>	ORDER TO REASSIGN CASE due to self-recusal pursuant to General Order 14-03 by Judge Fernando M. Olguin. Case transferred from Judge Fernando M. Olguin to the calendar of Judge George H. Wu for all further proceedings. Case number now reads as 2:17-cv-01941 GW(Ex). (rn) (Entered: 03/23/2017)
04/04/2017	<u>14</u>	Standing Order Re Final Pre-Trial Conferences for Civil Jury Trials Before Judge George H. Wu by Judge George H. Wu. (mrgo) (Entered: 04/04/2017)

04/05/2017	<u>I 15</u>	NOTICE of Appearance filed by attorney Jedediah Wakefield on behalf of Defendants Amazon.Com Inc, Audible, Inc (Attorney Jedediah Wakefield added to party Amazon.Com Inc(pty:dft), Attorney Jedediah Wakefield added to party Audible, Inc(pty:dft))(Wakefield, Jedediah) (Entered: 04/05/2017)
04/05/2017	<u>I 16</u>	NOTICE of Appearance filed by attorney Annasara G Purcell on behalf of Defendants Amazon.Com Inc, Audible, Inc (Attorney Annasara G Purcell added to party Amazon.Com Inc(pty:dft), Attorney Annasara G Purcell added to party Audible, Inc(pty:dft))(Purcell, Annasara) (Entered: 04/05/2017)
04/05/2017	<u>I 17</u>	NOTICE of Appearance filed by attorney Armen Nercess Nercessian on behalf of Defendants Amazon.Com Inc, Audible, Inc (Attorney Armen Nercess Nercessian added to party Amazon.Com Inc(pty:dft), Attorney Armen Nercess Nercessian added to party Audible, Inc(pty:dft))(Nercessian, Armen) (Entered: 04/05/2017)
04/05/2017	<u>I 18</u>	NOTICE OF MOTION AND MOTION to Compel Arbitration filed by Defendants Amazon.Com Inc, Audible, Inc. Motion set for hearing on 5/4/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration of Jason A. Massello in Support of Defendants' Motion to Compel Arbitration and Dismiss Claims, # <u>2</u> Exhibit 1 ISO Messello Decl., # <u>3</u> Exhibit 2 ISO Messello Decl., # <u>4</u> Exhibit 3 ISO Messello Decl., # <u>5</u> Exhibit 4 ISO Messello Decl., # <u>6</u> Exhibit 5 ISO Messello Decl., # <u>7</u> Exhibit 6 ISO Messello Decl., # <u>8</u> Exhibit 7 ISO Messello Decl., # <u>9</u> Exhibit 8 ISO Messello Decl., # <u>10</u> Exhibit 9 ISO Messello Decl., # <u>11</u> Exhibit 10 ISO Messello Decl., # <u>12</u> Exhibit 11 ISO Messello Decl., # <u>13</u> Exhibit 12 ISO Messello Decl., # <u>14</u> Proposed Order Granting Defendants' Motion to Compel Arbitration and Dismiss Claims) (Wakefield, Jedediah) (Entered: 04/05/2017)
04/05/2017	<u>I 19</u>	CERTIFICATE of Interested Parties filed by Defendant Amazon.Com Inc, (Wakefield, Jedediah) (Entered: 04/05/2017)
04/05/2017	<u>I 20</u>	CERTIFICATE of Interested Parties filed by Defendant Audible, Inc, identifying Parent–Amazon.com, Inc.. (Wakefield, Jedediah) (Entered: 04/05/2017)
04/13/2017	<u>I 21</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Compel Arbitration <u>18</u> <i>Opposition and Declarations</i> filed by Plaintiff Grant McKee. (Attachments: # <u>1</u> Declaration Declaration of Grant McKee, # <u>2</u> Declaration Declaration of Jamin S. Soderstrom, # <u>3</u> Exhibit Exhibit 1a, # <u>4</u> Exhibit Exhibit 1b, # <u>5</u> Exhibit Exhibit 2, # <u>6</u> Exhibit Exhibit 3, # <u>7</u> Exhibit Exhibit 4, # <u>8</u> Exhibit Exhibit 5, # <u>9</u> Exhibit Exhibit 6, # <u>10</u> Exhibit Exhibit 7, # <u>11</u> Exhibit Exhibit 8, # <u>12</u> Exhibit Exhibit 9, # <u>13</u> Exhibit Exhibit 10, # <u>14</u> Exhibit Exhibit 11, # <u>15</u> Exhibit Exhibit 12, # <u>16</u> Exhibit Exhibit 13, # <u>17</u> Exhibit Exhibit 14, # <u>18</u> Exhibit Exhibit 15, # <u>19</u> Exhibit Exhibit 16, # <u>20</u> Exhibit Exhibit 17, # <u>21</u> Exhibit Exhibit 18, # <u>22</u> Proposed Order Proposed Order, # <u>23</u> Affidavit Certificate of Service Efile)(Soderstrom, Jamin) (Entered: 04/13/2017)
04/20/2017	<u>I 22</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Compel Arbitration <u>18</u> <i>and Dismiss Claims</i> filed by Defendants Amazon.Com Inc, Audible, Inc. (Attachments: # <u>1</u> Declaration Reply Declaration of Jason A. Massello in Support of Defendants' Motion to Compel Arbitration and Dismiss Claims, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7)(Wakefield, Jedediah) (Entered: 04/20/2017)
04/24/2017	<u>I 23</u>	SUPPLEMENT to NOTICE OF MOTION AND MOTION to Compel Arbitration <u>18</u> filed by Plaintiff Grant McKee. (Soderstrom, Jamin) (Entered: 04/24/2017)
04/25/2017	<u>I 24</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Supplement(Motion related) <u>23</u> . The following error(s) was found: Title page is missing. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (shb) (Entered: 04/26/2017)

05/04/2017	<u>¶ 25</u>	MINUTES OF DEFENDANTS' MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS <u>18</u> held before Judge George H. Wu: The Court's Tentative Ruling is circulated and attached hereto. Court hears oral argument. For reasons stated on the record, Defendants motion is continued to June 22, 2017 at 8:30 a.m. Simultaneous supplemental briefs will be filed by May 31, 2017 and will not exceed 15 pages. Simultaneous responses will be filed by June 14, 2017 and will not exceed 10 pages. Court Reporter: Katie Thibodeaux. (cr) (Entered: 05/05/2017)
05/17/2017	<u>¶ 26</u>	Joint STIPULATION to Reschedule Hearing Date filed by Defendants Amazon.Com Inc, Audible, Inc. (Attachments: # <u>1</u> Proposed Order)(Wakefield, Jedediah) (Entered: 05/17/2017)
05/22/2017	<u>¶ 27</u>	ORDER GRANTING SUPPLEMENTAL BRIEFING SCHEDULE RE DEFENDANTS' MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS <u>26</u> by Judge George H. Wu. The Court ORDERS as follows: The Parties shall file their opening supplemental briefs on or before June 21, 2017. The Parties shall file their supplemental response briefs on or before July 5, 2017. The hearing on Defendants' Motion shall be set for July 13, 2017, at 8:30 a.m. (lom) (Entered: 05/22/2017)
06/08/2017	<u>¶ 28</u>	TRANSCRIPT ORDER as to Defendant Amazon.Com Inc, Audible, Inc for Court Reporter. Court will contact Dorothy Walls-Stewart at dwalls-stewart@fenwick.com with any questions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Wakefield, Jedediah) (Entered: 06/08/2017)
06/21/2017	<u>¶ 29</u>	SUPPLEMENT <i>BRIEF</i> filed by Plaintiff Grant McKee. (Attachments: # <u>1</u> Declaration of Jamin S. Soderstrom in Support of Plaintiff's Opposition to Defendant's Motion to Compel Arbitration and Dismiss Claims, # <u>2</u> Exhibit 1 ISO Soderstrom Declaration, # <u>3</u> Exhibit 2 ISO Soderstrom Declaration, # <u>4</u> Exhibit 3 ISO Soderstrom Declaration, # <u>5</u> Exhibit 4 ISO Soderstrom Declaration, # <u>6</u> Declaration of Plaintiff Grant McKee in Support of his Opposition to Defendant's Motion to Compel Arbitration and Dismiss Claims)(Soderstrom, Jamin) (Entered: 06/21/2017)
06/21/2017	<u>¶ 30</u>	SUPPLEMENT to NOTICE OF MOTION AND MOTION to Compel Arbitration <u>18</u> <i>Supplemental Brief ISO Motion to Compel Arbitration</i> filed by Defendants Amazon.Com Inc, Audible, Inc. (Attachments: # <u>1</u> Declaration Jason A. Massello, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19)(Wakefield, Jedediah) (Entered: 06/21/2017)
06/21/2017	<u>¶ 31</u>	NOTICE of Manual Filing filed by Defendants Amazon.Com Inc, Audible, Inc of Exhibit 5 to Supplemental Declaration of Jason A. Massello. (Attachments: # <u>1</u> Proof of Service)(Wakefield, Jedediah) (Entered: 06/21/2017)
07/05/2017	<u>¶ 32</u>	SUPPLEMENT <i>RESPONSE BRIEF IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS</i> filed by Plaintiff Grant McKee. (Attachments: # <u>1</u> Declaration of Plaintiff, Grant McKee)(Soderstrom, Jamin) (Entered: 07/05/2017)
07/05/2017	<u>¶ 33</u>	SUPPLEMENT <i>Defendants' Response ISO Defendants' Motion to Compel Arbitration and Dismiss Claims</i> filed by Defendants Amazon.Com Inc, Audible, Inc. (Attachments: # <u>1</u> Declaration Further Supplemental Declaration of Jason A. Massello ISO Defendants' Motion to Compel Arbitration and Dismiss Claims, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Declaration Declaration of Karen Ressmeyer ISO Defendants' Motion to Compel Arbitration and Dismiss Claims, # <u>12</u> Exhibit 1, # <u>13</u> Exhibit 2)(Wakefield, Jedediah) (Entered: 07/05/2017)
07/10/2017	<u>¶ 34</u>	<i>NOTICE RE: COLOR SLIP COPY OF APPLEBAUM V. LYFT, INC.</i> re: Supplement(Motion related), <u>32</u> (Attachments: # <u>1</u> Exhibit 1)(Soderstrom, Jamin) (Entered: 07/10/2017)

07/13/2017	<u>I 35</u>	MINUTES OF MOTION HEARING – DEFENDANTS' MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS held before Judge George H. Wu. The Court's Tentative Ruling is circulated and attached hereto. Court hears oral argument. For reasons stated on the record, Defendants' motion <u>18</u> is TAKEN UNDER SUBMISSION. Court to issue ruling. The Court sets a scheduling conference for July 31, 2017 at 8:30 a.m. Parties will file a joint proposed scheduling report by noon on July 26, 2017. Court Reporter: Katie Thibodeaux. (smo) (Entered: 07/14/2017)
07/14/2017	<u>I 36</u>	TRANSCRIPT ORDER as to Defendants Amazon.Com Inc, Audible, Inc for Court Reporter. Court will contact Fay Kelley at fkelley@fenwick.com with any questions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Purcell, Annasara) (Entered: 07/14/2017)
07/17/2017	<u>I 37</u>	MINUTES (IN CHAMBERS) – FINAL RULING ON DEFENDANTS' MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS by Judge George H. Wu re: <u>18</u> MOTION to Compel Arbitration. For the reasons stated above, the Court DENIES Audible's Motion to Compel Arbitration, but GRANTS Amazon's Motion to Compel Arbitration. (See document for specifics) (mrgo) (Entered: 07/17/2017)
07/26/2017	<u>I 38</u>	JOINT PROPOSED SCHEDULING REPORT FOR JULY 31, 2017 SCHEDULING HEARING filed by Plaintiff Grant McKee (Soderstrom, Jamin) (Entered: 07/26/2017)
07/31/2017	<u>I 39</u>	MINUTES OF SCHEDULING CONFERENCE held before Judge George H. Wu: The case is called. Counsel make their appearances. The Court and counsel confer. For reasons stated on the record the Court sets the following dates: First Amended Complaint to be filed on or before August 11, 2017. Motions to Dismiss August 25, 2017; Opposition September 8, 2017; Reply September 21, 2017; Hearing on the Motion October 2, 2017 at 8:30 a.m.; Motion for Class Certification to be filed by February 15, 2018; Hearing on the Motion February 26, 2018 at 8:30 a.m. Court Reporter: Katie Thibodeaux. (bm) (Entered: 08/01/2017)
08/11/2017	<u>I 40</u>	FIRST AMENDED COMPLAINT against DEFENDANT Audible, Inc amending Complaint (Attorney Civil Case Opening), <u>1</u> , filed by Plaintiff Grant McKee (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Soderstrom, Jamin) (Entered: 08/11/2017)
08/25/2017	<u>I 41</u>	NOTICE OF MOTION AND MOTION to Compel Arbitration filed by Defendant Audible, Inc. Motion set for hearing on 10/2/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration of Jason A. Massello in Support of Audible's Motion to Dismiss and Motion to Compel Arbitration as to Seth Beals, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8) (Wakefield, Jedediah) (Entered: 08/25/2017)
08/25/2017	<u>I 42</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Audible, Inc. Motion set for hearing on 10/2/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration Jason A. Massello in Support of Audible's Motion to Dismiss and Motion to Compel Arbitration as to Seth Beals, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8) (Wakefield, Jedediah) (Entered: 08/25/2017)
09/08/2017	<u>I 43</u>	OPPOSITION re: NOTICE OF MOTION AND MOTION to Dismiss Case <u>42</u> filed by Plaintiffs Seth Beals, Grant McKee. (Attachments: # <u>1</u> Declaration of Grant McKee ISO Plaintiffs' Opposition to Audible's Motion to Dismiss)(Soderstrom, Jamin) (Entered: 09/08/2017)
09/08/2017	<u>I 44</u>	OPPOSITION re: NOTICE OF MOTION AND MOTION to Compel Arbitration <u>41</u> filed by Plaintiff Seth Beals. (Attachments: # <u>1</u> Declaration of Jamin S. Soderstrom ISO Plaintiff Seth Beals' Opposition to Motion to Compel Arbitration and to Dismiss Claims, # <u>2</u> Exhibit 1 ISO Soderstrom Declaration, # <u>3</u> Exhibit 2 ISO Soderstrom Declaration, # <u>4</u> Exhibit 3 ISO Soderstrom Declaration, # <u>5</u> Exhibit 4 ISO Soderstrom Declaration, # <u>6</u> Exhibit 5 ISO Soderstrom Declaration, # <u>7</u> Exhibit 6 ISO Soderstrom Declaration, # <u>8</u> Declaration of Seth Beals ISO Plaintiffs' Opposition to Audible's Motion to Compel Arbitration and to Dismiss Claims)(Soderstrom, Jamin) (Entered: 09/08/2017)

		09/08/2017)
09/21/2017	<u>I 45</u>	RESPONSE IN SUPPORT of NOTICE OF MOTION AND MOTION to Dismiss Case <u>42</u> filed by Defendant Audible, Inc. (Wakefield, Jedediah) (Entered: 09/21/2017)
09/21/2017	<u>I 46</u>	RESPONSE IN SUPPORT of NOTICE OF MOTION AND MOTION to Compel Arbitration <u>41</u> and Dismiss Claims as to Plaintiff Seth Beals filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Declaration of Jason A. Massello, # <u>2</u> Exhibit A, # <u>3</u> Declaration of Tarek Abonil, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Declaration of Jedediah Wakefield, # <u>7</u> Exhibit A)(Wakefield, Jedediah) (Entered: 09/21/2017)
09/22/2017	<u>I 47</u>	OBJECTIONS to Response in Support of Motion, <u>46</u> filed by Plaintiff Seth Beals. (Soderstrom, Jamin) (Entered: 09/22/2017)
09/22/2017	<u>I 48</u>	RESPONSE IN SUPPORT of NOTICE OF MOTION AND MOTION to Compel Arbitration <u>41</u> Concerning Plaintiff's Objection to Reply In Support of Motion to Compel Arbitration and Dismiss Claims as to Seth Beals filed by Defendant Audible, Inc. (Wakefield, Jedediah) (Entered: 09/22/2017)
09/28/2017	<u>I 49</u>	TEXT ONLY ENTRY – IN CHAMBERS: by Judge George H. Wu: The Court, on its own motion, CONTINUES DEFENDANT AUDIBLES MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO SETH BEALS <u>41</u> and DEFENDANT AUDIBLES MOTION TO DISMISS CLAIMS <u>42</u> previously scheduled for 10/02/2017 to 10/5/2017 at 08:30 AM before Judge George H. Wu. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (jag) TEXT ONLY ENTRY (Entered: 09/28/2017)
10/05/2017	<u>I 50</u>	MINUTES OF DEFENDANT AUDIBLE'S MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO SETH BEALS <u>41</u> Hearing held before Judge George H. Wu. For reasons stated on the record, Defendant's Motion is continued to October 26, 2017 at 8:30 a.m. Parties will file a joint status report that will include any discovery issues and motions to be filed by October 24, 2017. Defendant Audible's Motion to Dismiss Claims <u>42</u> is continued to October 26, 2017 at 8:30 a.m. Court Reporter: Katie Thibodeaux. (lom) (Entered: 10/06/2017)
10/23/2017	<u>I 51</u>	NOTICE CONCERNING NINTH CIRCUITS DECISION IN DAVIDSON V. KIMBERLY–CLARK CORP. ET AL. filed by Plaintiffs Seth Beals, Grant McKee. (Attachments: # <u>1</u> Exhibit 1 Ninth Circuit's Decision in Davidson v. Kimberly–Clark Corp. et al.)(Soderstrom, Jamin) (Entered: 10/23/2017)
10/24/2017	<u>I 52</u>	JOINT STATUS REPORT filed by Plaintiffs Seth Beals, Grant McKee (Soderstrom, Jamin) (Entered: 10/24/2017)
10/26/2017	<u>I 53</u>	MINUTES OF DEFENDANT AUDIBLE'S MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO SETH BEALS <u>41</u> ; DEFENDANT AUDIBLES MOTION TO DISMISS CLAIMS <u>42</u> held before Judge George H. Wu: The Courts Tentative Rulings are circulated and attached hereto. Court hears oral argument. For reasons stated on the record, Defendants Motions are TAKEN UNDER SUBMISSION. Court to issue ruling. Court Reporter: Katie Thibodeaux. (cr) (Entered: 10/27/2017)
10/30/2017	<u>I 54</u>	TRANSCRIPT ORDER as to Defendant Audible, Inc for Court Reporter. Court will contact Valerie Schmitt at vschmitt@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Nercessian, Armen) (Entered: 10/30/2017)
11/02/2017	<u>I 55</u>	NOTICE of Motion to Transfer Venue as to Plaintiff Seth Beals' Gift Membership Claims filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Declaration of Jason A. Massello, # <u>2</u> Exhibit A to Declaration of Jason A. Massello, # <u>3</u> Proposed Order)(Wakefield, Jedediah) (Entered: 11/02/2017)

11/03/2017	<u>I 56</u>	NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <i>as to Plaintiff Seth Beals' Gift Membership Claims</i> filed by Defendant Audible, Inc. Motion set for hearing on 12/4/2017 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration of Jason A. Massello, # <u>2</u> Exhibit A to Declaration of Jason A. Massello, # <u>3</u> Proposed Order) (Wakefield, Jedediah) (Entered: 11/03/2017)
11/09/2017	<u>I 57</u>	OPPOSITION re: NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <i>as to Plaintiff Seth Beals' Gift Membership Claims</i> <u>56</u> filed by Plaintiff Seth Beals. (Attachments: # <u>1</u> Declaration of Jamin Soderstrom ISO Plaintiff's Opposition to Audible's Motion to Transfer Venue, # <u>2</u> Exhibit 1 ISO Soderstrom Declaration)(Soderstrom, Jamin) (Entered: 11/09/2017)
11/16/2017	<u>I 58</u>	RESPONSE IN SUPPORT of NOTICE OF MOTION AND MOTION to Transfer Case to Southern District of New York <i>as to Plaintiff Seth Beals' Gift Membership Claims</i> <u>56</u> filed by Defendant Audible, Inc. (Wakefield, Jedediah) (Entered: 11/16/2017)
12/04/2017	<u>I 59</u>	NOTICE Joint Statement of Open Issues filed by Defendant Audible, Inc. <i>and Plaintiffs</i> (Wakefield, Jedediah) (Entered: 12/04/2017)
12/04/2017	<u>I 60</u>	MINUTES OF AUDIBLE'S MOTION TO TRANSFER VENUE AS TO PLAINTIFF SETH BEAL'S GIFT MEMBERSHIP CLAIM <u>56</u> held before Judge George H. Wu: The case is called. Counsel make their appearances. The Court and counsel confer. The TENTATIVE ruling is circulated and attached hereto. The parties are to file a joint report by 2:00 pm today and send a copy to the clerk The Court continues the Motion to December 7, 2017 at 8:30 a.m. The parties may appear telephonically. Court Reporter: Katie Thibodeaux. (cr) (Entered: 12/06/2017)
12/06/2017	<u>I 61</u>	MINUTES IN CHAMBERS: RULING ON DEFENDANT AUDIBLE'S MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO SETH BEALS <u>41</u> ; DEFENDANT AUDIBLE'S MOTION TO DISMISS CLAIMS <u>42</u> by Judge George H. Wu. Upon further consideration, the Court adopts its October 26, 2017 Tentative Ruling (Docket No. <u>53</u>) as its final decision on the pending motions (Docket No. <u>41</u> and <u>42</u>). (lom) (Entered: 12/06/2017)
12/07/2017	<u>I 62</u>	MINUTES OF TELEPHONIC HEARING RE AUDIBLE'S MOTION TO TRANSFER VENUE AS TO PLAINTIFF SETH BEALS' GIFT MEMBERSHIP CLAIMS <u>56</u> Hearing held before Judge George H. Wu. Court and counsel confer. Defendant's Motion to Transfer Venue is GRANTED to the Southern District of New York. Counsel will file an order for partial transfer forthwith. Plaintiff will have until December 15, 2017 to file a Second Amended Complaint. A status conference is set for January 22, 2018 at 8:30 a.m. Court Reporter: Katie Thibodeaux. (lom) (Entered: 12/08/2017)
12/08/2017	<u>I 63</u>	NOTICE OF LODGING filed re Order on Motion to Transfer Case,,, Motion Hearing,,, Set/Reset Deadlines/Hearings,, <u>62</u> (Attachments: # <u>1</u> Proposed Order Partially Transferring Claims of Plaintiff Seth Beals to the Southern District of New York)(Wakefield, Jedediah) (Entered: 12/08/2017)
12/12/2017	<u>I 64</u>	ORDER PARTIALLY TRANSFERRING CLAIMS OF PLAINTIFF SETH BEALS TO THE SOUTHERN DISTRICT OF NEW YORK by Judge George H. Wu, re Order on Motion to Transfer Case, Motion Hearing, <u>62</u> . On December 8, 2017, the Court Granted Defendant Audible's Motion to Transfer Venue as to Plaintiff Seth Beals's Gift Membership Claims. See Docket No. 62 (Minute Entry Granting Audible's Motion). Pursuant to that Order, and for the reasons stated in the Court's Tentative Ruling on Defendant's Motion to Transfer Venue as to Beals's Gift Membership Claims (Docket No. 60), all of Plaintiff Seth Bealss claims arising from or relating to his gift membership are hereby TRANSFERRED to the United States District Court for the Southern District of New York. [Case transferred electronically on 12/13/2017]. (mrgo) (Entered: 12/13/2017)
12/15/2017	<u>I 65</u>	

		SECOND AMENDED COMPLAINT against DEFENDANT Audible, Inc amending Amended Complaint/Petition <u>40</u> , filed by Plaintiffs Grant McKee (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Soderstrom, Jamin) (Entered: 12/15/2017)
12/15/2017	<u>I 67</u>	TEXT-ONLY ENTRY – RECEIVED Notice of Receipt of Electronic Case Transfer from Southern District of New York, 1:17-cv-09838 filed 12/15/2017. (lom) (Entered: 12/21/2017)
12/19/2017	<u>I 66</u>	TRANSCRIPT ORDER as to Defendant, Audible, Inc. Audible, Inc for Court Reporter. Court will contact Fay Kelley at fkelley@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Purcell, Annasara) (Entered: 12/19/2017)
12/26/2017	<u>I 68</u>	STIPULATION to Reschedule Case Deadlines Related to Second Amended Complaint filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Proposed Order)(Wakefield, Jedediah) (Entered: 12/26/2017)
01/04/2018	<u>I 69</u>	ORDER GRANTING STIPULATION SETTING CASE DEADLINES RELATED TO SECOND AMENDED COMPLAINT by Judge George H. Wu. (Refer to order for further details) (yl) (Entered: 01/05/2018)
01/22/2018	<u>I 70</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>as to Plaintiffs Taylor Fisse and Bryan Rees</i> filed by Defendant Audible, Inc. Motion set for hearing on 3/12/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration of Jason A. Massello, # <u>2</u> Proposed Order) (Wakefield, Jedediah) (Entered: 01/22/2018)
01/22/2018	<u>I 71</u>	NOTICE OF MOTION AND MOTION to Dismiss Second Amended Complaint as to Plaintiff Grant McKee filed by Defendant Audible, Inc. Motion set for hearing on 3/12/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Proposed Order) (Wakefield, Jedediah) (Entered: 01/22/2018)
01/22/2018	<u>I 72</u>	NOTICE of Motion and Motion for Corrective Action filed by Plaintiffs Taylor Fisse, Michael Rogawski, Eric Weber. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Their Motion for Corrective Action, # <u>2</u> Declaration of Jamin S. Soderstrom ISO Plaintiffs' Motion for Corrective Action, # <u>3</u> Exhibit 1 ISO Soderstrom Delcaration, # <u>4</u> Exhibit 2 ISO Soderstrom Declaration, # <u>5</u> Exhibit 3 ISO Soderstrom Declaration, # <u>6</u> Exhibit 4 ISO Soderstrom Declaration, # <u>7</u> Exhibit 5 ISO Soderstrom Declaration, # <u>8</u> Exhibit 6 ISO Soderstrom Declaration, # <u>9</u> Exhibit 7 ISO Soderstrom Declaration, # <u>10</u> Exhibit 8 ISO Soderstrom Declaration, # <u>11</u> Exhibit 9 ISO Soderstrom Declaration, # <u>12</u> Declaration of Taylor Fisse ISO Plaintiffs' Motion for Corrective Action, # <u>13</u> Declaration Eric Weber ISO Plaintiffs' Motion for Corrective Action, # <u>14</u> Declaration of Michael Rogawski ISO Plaintiffs' Motion for Corrective Action, # <u>15</u> Proposed Order)(Soderstrom, Jamin) (Entered: 01/22/2018)
01/22/2018	<u>I 73</u>	NOTICE OF MOTION AND MOTION to Compel Arbitration filed by Defendant Audible, Inc. Motion set for hearing on 3/12/2018 at 08:30 AM before Judge George H. Wu. (Attachments: # <u>1</u> Declaration of Aniket Gune, # <u>2</u> Exhibit One to Gune Declaration, # <u>3</u> Exhibit Two to Gune Declaration, # <u>4</u> Exhibit Three to Gune Declaration, # <u>5</u> Exhibit Four to Gune Declaration, # <u>6</u> Exhibit Five to Gune Declaration, # <u>7</u> Declaration Six to Gune Declaration, # <u>8</u> Exhibit Seven to Gune Declaration, # <u>9</u> Exhibit Eight to Gune Declaration, # <u>10</u> Exhibit Nine to Gune Declaration, # <u>11</u> Exhibit Ten to Gune Declaration, # <u>12</u> Exhibit Eleven to Gune Declaration, # <u>13</u> Exhibit Twelve to Gune Declaration, # <u>14</u> Exhibit Thirteen to Gune Declaration, # <u>15</u> Exhibit Fourteen to Gune Declaration, # <u>16</u> Declaration of Karen Ressmeyer, # <u>17</u> Exhibit One to Ressmeyer Declaration, # <u>18</u> Exhibit Two to Ressmeyer Declaration, # <u>19</u> Exhibit Three to Ressmeyer Declaration, # <u>20</u> Exhibit Four to Ressmeyer Declaration, # <u>21</u> Exhibit Five to Ressmeyer Declaration, # <u>22</u> Proposed Order) (Wakefield, Jedediah) (Entered: 01/22/2018)
01/23/2018	<u>I 74</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice (Other), <u>72</u> . The following error(s) was/were found: Incorrect event selected. Correct event to be used is:

		Motions > Amend/Correct or Order. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (mrgo) (Entered: 01/23/2018)
02/12/2018	<u>I 75</u>	OPPOSITION In Opposition to re: NOTICE OF MOTION AND MOTION to Dismiss Second Amended Complaint as to Plaintiff Grant McKee <u>71</u> filed by Plaintiff Grant McKee. (Soderstrom, Jamin) (Entered: 02/12/2018)
02/12/2018	<u>I 76</u>	OPPOSITION In Opposition to re: NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>as to Plaintiffs Taylor Fisse and Bryan Rees</i> <u>70</u> filed by Plaintiffs Taylor Fisse, Bryan Rees. (Attachments: # <u>1</u> Declaration of Jamin S. Soderstrom ISO Plaintiffs Fisse and Rees's Opposition, # <u>2</u> Exhibit 1 ISO Soderstrom Declaration, # <u>3</u> Exhibit 2 ISO Soderstrom Declaration, # <u>4</u> Exhibit 3 ISO Soderstrom Declaration, # <u>5</u> Exhibit 4 ISO Soderstrom Declaration)(Attorney Jamin Samuel Soderstrom added to party Taylor Fisse(pty:pla), Attorney Jamin Samuel Soderstrom added to party Bryan Rees(pty:pla))(Soderstrom, Jamin) (Entered: 02/12/2018)
02/12/2018	<u>I 77</u>	OPPOSITION In Opposition to re: NOTICE OF MOTION AND MOTION to Compel Arbitration <u>73</u> filed by Plaintiffs Michael Rogawski, Eric Weber. (Attachments: # <u>1</u> Declaration of Jamin S. Soderstrom ISO Plaintiffs Weber and Rogawski's Opposition, # <u>2</u> Declaration of Eric Weber ISO Opposition, # <u>3</u> Exhibit 1 ISO Weber Declaration, # <u>4</u> Declaration of Michael Rogawski ISO Opposition, # <u>5</u> Exhibit 1 ISO Rogawski Declaration)(Attorney Jamin Samuel Soderstrom added to party Michael Rogawski(pty:pla), Attorney Jamin Samuel Soderstrom added to party Eric Weber(pty:pla))(Soderstrom, Jamin) (Entered: 02/12/2018)
02/12/2018	<u>I 78</u>	MEMORANDUM in Opposition to <i>Plaintiffs' Motion for Corrective Action (Dkt. 72)</i> filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Declaration of Jason A. Massello in Support of Audible's Opposition to Plaintiffs' Motion for Corrective Action)(Wakefield, Jedediah) (Entered: 02/12/2018)
02/26/2018	<u>I 79</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction <i>as to Plaintiffs Taylor Fisse and Bryan Rees</i> <u>70</u> filed by Defendant Audible, Inc. (Wakefield, Jedediah) (Entered: 02/26/2018)
02/26/2018	<u>I 80</u>	REPLY filed by Plaintiffs Taylor Fisse, Grant McKee, Bryan Rees, Michael Rogawski, Eric Weber to Notice (Other),,,, <u>72</u> (Soderstrom, Jamin) (Entered: 02/26/2018)
02/26/2018	<u>I 81</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss Second Amended Complaint as to Plaintiff Grant McKee <u>71</u> filed by Defendant Audible, Inc. (Wakefield, Jedediah) (Entered: 02/26/2018)
02/26/2018	<u>I 82</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Compel Arbitration <u>73</u> <i>as to Plaintiffs Eric Weber and Michael Rogawski</i> filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Declaration of Aniket Gune, # <u>2</u> Exhibit 1 to Gune Reply Declaration, # <u>3</u> Exhibit 2 to Gune Reply Declaration, # <u>4</u> Declaration of Karen Ressimyer, # <u>5</u> Exhibit 1 to Ressimyer Reply Declaration, # <u>6</u> Exhibit 2 to Ressimyer Reply Declaration, # <u>7</u> Exhibit 3 to Ressimyer Reply Declaration, # <u>8</u> Exhibit 4 to Ressimyer Reply Declaration, # <u>9</u> Exhibit 5 to Ressimyer Reply Declaration, # <u>10</u> Exhibit 6 to Ressimyer Reply Declaration, # <u>11</u> Exhibit 7 to Ressimyer Reply Declaration, # <u>12</u> Exhibit 8 to Ressimyer Reply Declaration, # <u>13</u> Exhibit 9 to Ressimyer Reply Declaration, # <u>14</u> Exhibit 10 to Ressimyer Reply Declaration)(Wakefield, Jedediah) (Entered: 02/26/2018)
03/09/2018	<u>I 84</u>	TRANSCRIPT for proceedings held on 2/20/18, 11:08 a.m.. Court Reporter/Electronic Court Recorder: BABYKIN COURTHOUSE SERVICES, phone number (626) 963-0566. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/30/2018. Redacted Transcript Deadline set for 4/9/2018. Release of Transcript

		Restriction set for 6/7/2018. (ls) (Entered: 03/12/2018)
03/09/2018	<u>85</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 2/20/18, 11:08 re Transcript <u>84</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ls) TEXT ONLY ENTRY (Entered: 03/12/2018)
03/12/2018	<u>83</u>	TRANSCRIPT ORDER as to Defendant Audible, Inc for Court Reporter. Court will contact Dorothy Walls-Stewart at dwalls-stewart@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Wakefield, Jedediah) (Entered: 03/12/2018)
03/12/2018	<u>87</u>	MINUTES OF AUDIBLE'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT AS TO PLAINTIFFS TAYLOR FISSE AND BRYAN REES FOR LACK OF PERSONAL JURISDICTION <u>70</u> ; AUDIBLE'S MOTION TO DISMISS SECOND AMENDED COMPLAINT AS TO PLAINTIFF GRANT MCKEE <u>71</u> ; PLAINTIFFS' MOTION FOR CORRECTIVE ACTION <u>72</u> ; AUDIBLE'S MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO PLAINTIFFS ERIC WEBER AND MICHAEL ROGAWSKI <u>73</u> Motion Hearing held before Judge George H. Wu. For reasons stated on the record, the above-entitled motions are continued to April 2, 2018 at 8:30 a.m. Counsel may stipulate to sur-replies by March 22, 2018. Court Reporter: Phyllis Preston. (mrgo) (Entered: 03/13/2018)
03/13/2018	<u>86</u>	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Transcript (CV),, <u>84</u> . FILED IN INCORRECT CASE. (ls) (Entered: 03/13/2018)
03/16/2018	<u>88</u>	TRANSCRIPT for proceedings held on 3/12/18. Court Reporter: Phyllis Preston, email: stenojag@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 4/6/2018. Redacted Transcript Deadline set for 4/16/2018. Release of Transcript Restriction set for 6/14/2018. (Preston, Phyllis) (Entered: 03/16/2018)
03/16/2018	<u>89</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 3/12/18 re Transcript <u>88</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Preston, Phyllis) TEXT ONLY ENTRY (Entered: 03/16/2018)
03/22/2018	<u>90</u>	SURREPLY IN OPPOSITION TO re NOTICE OF MOTION AND MOTION to Compel Arbitration <u>73</u> filed by Plaintiffs Michael Rogawski, Eric Weber. (Attachments: # <u>1</u> Declaration of Eric Weber ISO Surreply, # <u>2</u> Exhibit 1 ISO Weber Declaration, # <u>3</u> Declaration of Jamin S. Soderstrom ISO Surreply, # <u>4</u> Exhibit 1 ISO Soderstrom Declaration, # <u>5</u> Exhibit 2 ISO Soderstrom Declaration, # <u>6</u> Exhibit 3 ISO Soderstrom Declaration, # <u>7</u> Exhibit 4 ISO Soderstrom Declaration, # <u>8</u> Exhibit 5 ISO Soderstrom Declaration, # <u>9</u> Exhibit 6 ISO Soderstrom Declaration, # <u>10</u> Exhibit 7 ISO Soderstrom Declaration)(Soderstrom, Jamin) (Entered: 03/22/2018)
04/02/2018	<u>91</u>	TRANSCRIPT ORDER as to Defendant Audible, Inc for Court Reporter. Court will contact Dorothy Walls-Stewart at dwalls-stewart@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Wakefield, Jedediah) (Entered: 04/02/2018)
04/02/2018	<u>92</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Transcript Order Form (G-120), <u>91</u> . The following error(s) was found: DATE OF 4/09/18 IS A FUTURE DATE. EITHER RE-FILE YOUR G-120 AFTER 4/09/18, OR REFER TO MINUTE ORDER(s) ON THE DOCKET AND RE-FILE WITH THE CORRECT DATE. You must electronically refile the above referenced Request for Transcript in this case to correct this deficiency. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ls) TEXT ONLY ENTRY (Entered: 04/02/2018)
04/02/2018	<u>94</u>	

		MINUTES OF AUDIBLE'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT AS TO PLAINTIFFS TAYLOR FISSE AND BRYAN REES FOR LACK OF PERSONAL JURISDICTION <u>70</u> ; AUDIBLE'S MOTION TO DISMISS SECOND AMENDED COMPLAINT AS TO PLAINTIFF GRANT MCKEE <u>71</u> ; PLAINTIFFS' MOTION FOR CORRECTIVE ACTION <u>72</u> ; AUDIBLE'S MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO PLAINTIFFS ERIC WEBER AND MICHAEL ROGAWSKI <u>73</u> Hearing held before Judge George H. Wu. For reasons stated on the record, the above–entitled motions are TAKEN UNDER SUBMISSION. Counsel are to provide the Court with proposed language to be included in the final ruling. Order to issue. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 04/04/2018)
04/03/2018	<u>93</u>	TRANSCRIPT ORDER as to Defendant Audible, Inc for Court Reporter. Court will contact Dorothy Walls–Stewart at dwalls–stewart@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Wakefield, Jedediah) (Entered: 04/03/2018)
04/04/2018	<u>95</u>	TRANSCRIPT for proceedings held on 4/2/18 9:03 am. Court Reporter/Electronic Court Recorder: Katie Thibodeaux, CSR, RPR, CRR, phone number www.katiethibodeaux.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 4/25/2018. Redacted Transcript Deadline set for 5/7/2018. Release of Transcript Restriction set for 7/3/2018. (Thibodeaux, Katie) (Entered: 04/04/2018)
04/04/2018	<u>96</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 4/2/18 9:03 am re Transcript <u>95</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (Thibodeaux, Katie) TEXT ONLY ENTRY (Entered: 04/04/2018)
04/06/2018	<u>97</u>	MINUTES (IN CHAMBERS) by Judge George H. Wu: RULING ON PLAINTIFFS MOTION FORCORRECTIVE ACTION <u>72</u> ; and AUDIBLES MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS AS TO PLAINTIFFS ERIC WEBER AND MICHAEL ROGAWSKI <u>73</u> .Attached hereto is the Courts Ruling on the above–entitled Motions. The Court would GRANT–in–partand DENY–in–part Plaintiffs Motion for Corrective Action. The Court would GRANT Audibles Motion to Compel Arbitration as to Plaintiff Ragowski (subject to the evidentiary issues) but DENY Audibles MTC as to Plaintiff Weber. The Court sets a status conference for April 19, 2018 at 8:30 a.m., with a joint report re proposed dates to be filed by April 16, 2018. (lc) (Entered: 04/06/2018)
04/16/2018	<u>98</u>	JOINT REPORT Rule 26(f) Discovery Plan filed by Plaintiffs Taylor Fisse, Grant McKee, Bryan Rees, Michael Rogawski, Eric Weber.. (Soderstrom, Jamin) (Entered: 04/16/2018)
04/19/2018	<u>99</u>	MINUTES OF STATUS CONFERENCE held before Judge George H. Wu. The Court sets a hearing on Plaintiff's motion for class certification for December 3, 2018 at 8:30 a.m. Parties may stipulate to the briefing schedule, except the reply, which will be filed by November 19, 2018. Initial disclosures will be due by May 21, 2018 and discovery is open for all purposes. Court Reporter: Katie Thibodeaux. (mrgo) (Entered: 04/20/2018)
04/19/2018	<u>100</u>	AMENDED MINUTES held before Judge George H. Wu re: <u>99</u> . The Court sets a hearing on Defendants anticipated motion to dismiss concerning Plaintiff EricWebers claims for July 23, 2018 at 8:30 a.m. The parties may stipulate to the briefing schedule, except the reply, which will be filed by July 9, 2018.The Court clarified the intent of its ruling concerning Plaintiffs motion for corrective action, and Plaintiffs counsel is instructed to prepare and submit an appropriate order. Defendants counsel is instructed to prepare an order transferring Taylor Fisses and Bryan Reess claims to the EasternDistrict of North Carolina, consistent with the Courts prior ruling on Defendants Motion to Dismiss for Lack of Personal Jurisdiction. Docket 87; Docket 97 at 3. (jag) (Entered: 04/24/2018)

04/25/2018	<u>101</u>	TRANSCRIPT ORDER as to Plaintiffs Grant McKee for Court Reporter. Court will contact Diana Alderete at diana@soderstromlawfirm.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Soderstrom, Jamin) (Entered: 04/25/2018)
04/26/2018	<u>102</u>	NOTICE of Appearance filed by attorney Matthew B Becker on behalf of Defendant Audible, Inc (Attorney Matthew B Becker added to party Audible, Inc(pty:dft))(Becker, Matthew) (Entered: 04/26/2018)
04/30/2018	<u>103</u>	TRANSCRIPT ORDER as to Defendants Amazon.Com Inc, Audible, Inc for Court Reporter. Court will contact Fay Kelley at fkelley@fenwick.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Becker, Matthew) (Entered: 04/30/2018)
05/02/2018	<u>104</u>	NOTICE OF LODGING filed re Notice (Other),,, <u>72</u> , Order on Motion to Compel Arbitration,, <u>97</u> (Attachments: # <u>1</u> Proposed Order)(Soderstrom, Jamin) (Entered: 05/02/2018)
05/03/2018	<u>105</u>	NOTICE AUDIBLE'S OBJECTIONS TO PROPOSED ORDER AND NOTICE OF ALTERNATIVE [PROPOSED] ORDER GRANTING CORRECTIVE ACTION UNDER FEDERAL RULE OF CIVIL PROCEDURE 23(D) filed by Defendant Audible, Inc. (Attachments: # <u>1</u> Proposed Order)(Becker, Matthew) (Entered: 05/03/2018)
05/03/2018	<u>106</u>	RESPONSE filed by Plaintiffs Taylor Fisse, Grant McKee, Bryan Rees, Michael Rogawski, Eric Weberto Notice (Other), <u>105</u> to Audible's Objections to Proposed Order and Notice of Alternative [Proposed] Order Granting Corrective Action Under Federal Rule of Civil Procedure 23(D) (Soderstrom, Jamin) (Entered: 05/03/2018)
05/03/2018	<u>107</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Defendant Audible, Inc. Appeal of Order on Motion to Compel Arbitration,, <u>97</u> . (Appeal Fee – \$505 Fee Paid, Receipt No. 0973–21697650.) (Attachments: # <u>1</u> Representation Statement)(Wakefield, Jedediah) (Entered: 05/03/2018)
05/03/2018	<u>108</u>	NOTICE OF LODGING filed by Defendant Audible, Inc. of [Proposed] Order Partially Transferring Claims of Plaintiffs Taylor Fisse and Bryan Rees to the Eastern District of North Carolina re Motion Hearing,, Set/Reset Motion Hearing and R&R Deadlines,, <u>87</u> (Attachments: # <u>1</u> Proposed Order Partially Transferring Claims of Plaintiffs Taylor Fisse and Bryan Rees to the Eastern District of North Carolina)(Becker, Matthew) (Entered: 05/03/2018)
05/04/2018	<u>109</u>	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 18–55595 assigned to Notice of Appeal to 9th Circuit Court of Appeals, <u>107</u> as to defendant Audible, Inc. (mrgo) (Entered: 05/07/2018)
05/10/2018	<u>110</u>	MINUTE ORDER IN CHAMBERS by Judge George H. Wu: Attached hereto is the Courts Ruling on the Proposed Order re Motion for Corrective Action. (jag) (Entered: 05/10/2018)
05/10/2018	<u>111</u>	ORDER PARTIALLY TRANSFERRING CLAIMS OF PLAINTIFFS TAYLOR FISSE AND BRYAN REES TO THE EASTERN DISTRICT OF NORTH CAROLINA by Judge George H. Wu. For the reasons stated in the Court's Tentative Ruling on Defendant's Motion to Dismiss (Dkt. No. <u>87</u>), and consistent with the parties' stipulation preserving venue and jurisdictional defenses, the claims of Plaintiffs Taylor Fisse and Bryan Rees are hereby TRANSFERRED to the United States District Court for the Eastern District of North Carolina. IT IS SO ORDERED. (lom) (Entered: 05/11/2018)